

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

CIVIL ACTION
NO: 05-10401-RCL

DELIA J. BAEZ

DEFENDANT DELIA J. BAEZ'S REQUEST TO SET
ASIDE JUDGMENT FOR REHEARING CONCERNING DAMAGES

The defendant Delia J. Baez respectfully requests that the Court set aside judgment in this matter for the following good cause or in the alternative asks the Court to permit a further hearing amending or reconsidering the award of damages.

As grounds therefore the defendant states that certain mitigating facts were not brought to the attention to the Court that would have affected the Court's decision considering treble damages and other penalties associated with the Court's order.

Income assistance

The defendant maintains that she did not personally benefit from income assistance, food stamps or medical assistance.

As the Court is aware from filings by the Assistant United States Attorney, the defendant in this case has maintained employment through much of the time charged in the complaint. She was likewise the owner of property through periods alleged in the complaint. In addition, she maintained businesses at various times of the complaint. Despite maintaining employment, the defendant alleges that she did not earn significant

sums of money, was not wealthy and was not trying to cheat the government for assistance to benefit herself.

As referenced in the enclosed attachments the defendant was appointed the legal guardian for two young children in the Essex Superior Court before the time of the complaint activity alleged in this case. The children were abandoned by the mother. The father was and still is serving a prison sentence.

The enclosed attachments indicate that the defendant actually has cared for, fed, clothed, provided shelter and served as the lone parent to two children who otherwise would have been eligible for the above referenced benefits under most circumstances. In fact the defendant here has provided a warm and loving household to two abandoned children who otherwise would have becomes wards to the state.

The children still live with the defendant.

Medical Assistance

Again with respect to medical assistance, the defendant states that she applied for and received medical assistance in part for her, however the majority of care was sought and given to a sick and ill friend, who was indigent received the benefit of the medical assistance.

She maintains also that two orphaned children also received these benefits over time.

Food stamps were utilized to provide for the sick and unemployed friend and were also used to provide for the children.

Housing Assistance

The defendant did not benefit directly from housing assistance. Her sick, unemployed and indigent housemate and two children for whom she is the legal guardian

to, received this benefit also. At the time alleged in the complaint the defendant was not always financially solvent or making money from businesses to a profit, and the housing was necessary for parties who otherwise would have been eligible for the assistance.

Wherefore, the defendant did receive housing benefits not according to complete protocol, but as was the case with other forms of assistance, the defendant was providing for others who were vulnerable and more than eligible for the public assistance

Conclusion

Wherefore, because of significant mitigating damages, the defendant respectfully requests the Court enter an order setting aside the judgment in this case and allowing the defendant to challenge certain damages awarded to the plaintiff United States. The defendant requests a hearing concerning this matter.

Respectfully submitted,
DELIA J. BAEZ
By her lawyer,

Feb 5, 2008
Date

/s/William Keefe
WILLIAM KEEFE
BBO # 556817
390 Centre Street
Jamaica Plain, MA 02130
Telephone (617) 983-9200
Facsimile (617) 983-0733